

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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COMMITTEE ON GOVERNMENT, MILITARY AND VETERANS AFFAIRS
April 10, 2006
Confirmation Hearing

The Committee on Government, Military and Veterans Affairs met at 1:15 p.m. on Monday, April 10, 2006, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on a gubernatorial appointment. Senators present: DiAnna Schimek, Chairperson; Carroll Burling; Deb Fischer; Chris Langemeier; and Roger Wehrbein. Absent: Pam Brown, Vice Chairperson; Mick Mines; and Rich Pahls.

SENATOR SCHIMEK: First of all, welcome to the confirmation hearing of the Government, Military and Veterans Affairs Committee. We're pleased to have you all with us today. For the purpose of those who are in the audience, I will introduce the committee members who are here. I think we're still expecting two more. I'll start clear to the left with Senator Deb Fischer of Valentine; next to her is Senator Chris Langemeier of Schuyler; next is Senator Roger Wehrbein of Plattsmouth; and the committee clerk, Sherry Shaffer, is on my left. I'm DiAnna Schimek. I Chair the committee. Next to me is Christy Abraham, who is the legal counsel for the committee. And last but not least is Senator Carroll Burling of Kenesaw, Nebraska. We are not going to...I'm not going to go through all the rules and regs that we usually do for hearings because I think this is going to be brief. But I would just say to you, Judy, that we'd just like you to come forward and tell a little bit about yourself. And we just actually heard from Judy about a year ago, and we think it's very good of you to have come down for this today, but it worked out beautifully for you. And we...anything you want to tell us about the commission, if you want to give away any of their dirty little secrets or anything like that (laugh) or your impression of serving on the commission, whatever you want to talk about and then we'll ask questions if we have any. So thank you very much for driving down to be with us. We appreciate it.

CONFIRMATION HEARING OF
JUDY SCHWEIKART TO THE
ACCOUNTABILITY AND DISCLOSURE COMMISSION

JUDY SCHWEIKART: Do I need to say my name or anything into the record?

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SENATOR SCHIMEK: Please, because this is recorded.

JUDY SCHWEIKART: Judy Schweikart, 680 N. 58th Street,
Omaha, Nebraska.

SENATOR SCHIMEK: And would you spell your last name,
please.

JUDY SCHWEIKART: Schweikart is S-c-h-w-e-i-k-a-r-t.

SENATOR SCHIMEK: Thank you.

JUDY SCHWEIKART: I'm currently a member of the
Accountability and Disclosure Commission, having filled out
a one-year term last year. I'm a partner in the law firm of
Kutak Rock in Omaha, have been there for 26 years.
Previously was involved in politics on a very partisan
level, served as a Democratic National Committee Woman for
eight years. And then this opportunity arose last year
through the Governor and it was time to move on into
something different, and it was an extremely interesting
year, as you all know. And currently we have several things
before the commission. It's been a very good learning
experience for me. Frank has the history at his fingertips.
I'm always asking, now what did you guys do before and why?
I'm delighted that I'm going to have the opportunity, I
hope, to serve six more years. And I'm happy to answer any
questions any of you might have.

SENATOR SCHIMEK: Thank you, Judy. Are there questions from
any of the committee members? We need to make this worth
her while. (Laugh)

JUDY SCHWEIKART: I'm going to go up in the lobby and watch
so it's okay (laugh).

SENATOR FISCHER: We can't ask questions we all want to
(laugh).

SENATOR SCHIMEK: Yeah, that's probably right.

SENATOR LANGEMEIER: (Inaudible).

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SENATOR SCHIMEK: Yes, Senator Langemeier.

SENATOR LANGEMEIER: I'll ask a question, thank you, Senator Schimek. I think you had a neat opportunity to have served a one-year term and then come back before you had to sit on the six-year term. Some would say they would want to come and sit here before us today to make sure they don't get the job. So sometimes when people have that opportunity it's nice. Tell us a little more about your experiences last year. I mean what do you feel you've added to the board or things...are there things you'd so far want to see different with that board?

JUDY SCHWEIKART: I don't think I'd be presumptuous enough to say that I added, because I'm not sure they needed another lawyer because there's a lot of us. But at least you have a variety of opinions. I think I've been fascinated to see the commission members be so willing to sit and discuss whenever anybody is before us. It doesn't matter. I mean people do their homework and no one is there to want to discourage anybody from running for office, just the opposite. And I think that the commission itself...I tell people to call them all the time to get their questions answered. But even when we've had people who there have been problems and they've come in, the benefit of the doubt is overriding. And so I never felt that there was, for most of the people that came before the commission, any sort of an adversarial process at all. There were certain, you know, laws to enforce. The commission was very willing to answer questions, allow people to come back to get more information, go back to Frank and his staff and say, we want more information before we're going to make a decision. And you'll see several instances where things were laid over for further information. So nothing was done, you know, quickly that way. And so I thought that was good that it's a very thoughtful group of people who are enforcing the law so it's great.

SENATOR LANGEMEIER: All right, thank you.

SENATOR SCHIMEK: Any others? Yes, Senator Fischer.

SENATOR FISCHER: Thank you, Judy, for coming today. Do you find in your discussions as a commission that it's

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nonpartisan? I know you said that you were a national committee woman for the Democratic party. Does that play into it at all, the parties, or are you able to deliberate as a commission and as an individual member on a nonpartisan basis?

JUDY SCHWEIKART: I think you can do it on a nonpartisan basis. I know Steve McCollister also who's on the commission was pretty...I think what is helpful if you've been involved on any level is some of the things that you know happen during the campaign whether something is inadvertent or versus somebody who might should have known better, that kind of I think background is helpful to sort of do a reality check on some of it. I don't know about the other commissioners in terms of their political, but I know Steve was so I think it's very balanced in terms of what political parties people are involved with.

SENATOR FISCHER: But does that come into play at all in your deliberations?

JUDY SCHWEIKART: Would somebody vote against a Republican who was...no, no, it's never even come up. Knowing what you know from having done the politics is helpful but, no, never even...I mean half the time you won't even know. If somebody is really high profile, maybe everybody at the table will know who they are, but, no, it's never come up in terms of...and I've never seen the commission vote, let me think about it, on a partisan split either.

SENATOR SCHIMEK: Interesting. One of the things I think we talked with you about, unless I'm imagining this, could be, last time was the fact that you had been so active and were you well aware that you would be very, very restricted on what you could do. And have you found that to be beneficial or frustrating?

JUDY SCHWEIKART: It's very beneficial, well, not yet frustrating. Maybe it will be in a six-year term, but it's very beneficial. We were laughing on the way down. I say I'm on the Accountability Commission, can't be on a fund raiser and most of them I say probably can't write a check. So, no, it hasn't been a problem so far.

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SENATOR SCHIMEK: I was thinking that might be a real advantage, yes.

JUDY SCHWEIKART: Right. It's been...and, no, it's been interesting. I mean once a junkie always a junkie to a certain extent in reading and stuff. But, no, that kind of participation it wasn't as hard as I thought it would be.

SENATOR SCHIMEK: Yeah, okay. Senator Wehrbein has a question.

SENATOR WEHRBEIN: Since we've got some time and I don't know whether this is an appropriate question, I mean for you, but we're just discussing...the one criticism I hear of the Accountability and Disclosure is that it's slow response to some of the issues timewise. I don't know whether you want to comment. I'm not really...I'm not digging. I'm just asking as a general question. What do I say if I hear that?

JUDY SCHWEIKART: I don't know that I could...well, I don't know that I could specifically answer how long it's taken when somebody files, if they file a complaint to when it would come before the commission, but I guess it would depend on what it is and what sort of investigation. And I guess that goes back to I'd rather have all the information than not have any. Some of them obviously happen in the heat of a campaign and that's...but I wouldn't...I don't know a specific...if you had a specific one, I'd be curious the number of days, Senator, because I don't know.

SENATOR WEHRBEIN: No, I don't. No, I just had heard and read it. I mean...

JUDY SCHWEIKART: Yeah.

SENATOR WEHRBEIN: But, and I just...popped into my head.

JUDY SCHWEIKART: Well, it would probably be interesting. I'm sure he's got it off the top of his head, but it would be interesting I guess to know what the average length of time and if a certain kind of complaint might take more time and another one might be more time sensitive.

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SENATOR WEHRBEIN: Yeah. But in general you don't see an issue at all.

JUDY SCHWEIKART: Doesn't...

SENATOR WEHRBEIN: That's what I can tell people?

JUDY SCHWEIKART: At least not in the first year, no.

SENATOR WEHRBEIN: Thank you.

SENATOR SCHIMEK: Yes, Senator Fischer.

SENATOR FISCHER: I don't want to put you on the spot, but...

JUDY SCHWEIKART: But...

SENATOR FISCHER: ...however, do you think the commission is fulfilling its duties as prescribed by statute?

JUDY SCHWEIKART: Yes, unequivocally, yes.

SENATOR FISCHER: Thank you.

SENATOR SCHIMEK: Follow up question might be do you think any of the statutes should be changed, but I'm not going to go there.

JUDY SCHWEIKART: Well, but that would be presumptuous.

SENATOR SCHIMEK: Yeah, I'm not going to go there.

JUDY SCHWEIKART: I know that they've been involved, that the commission staff has been involved in some of the legislation that's been discussed this year.

SENATOR SCHIMEK: Right.

JUDY SCHWEIKART: And sounds to me that there's a dialogue going on. I don't know that I as a commissioner have never been asked anything.

SENATOR SCHIMEK: Sure.

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JUDY SCHWEIKART: But if you're dealing with the people who deal with it every day, I think you're making some of the changes that have caused some problems. And I would assume that to the extent the Legislature thinks it's a good idea to make some more, you'll...you know, Frank will be happy to give you whatever input.

SENATOR SCHIMEK: Well, thank you very much. I want to say to the committee that this particular person said that she wanted to come down even though we had just interviewed her because she thought it was important to the confirmation process. And I think that's great, Judy. I think this committee does a pretty good job with the confirmation process itself, but we are being asked to look at it in an interim study this year to see if everybody that's appointed needs to be confirmed; if, you know, committees are giving due consideration; if committees are just rubber stamping, I mean those aren't specific questions that have been asked, but those are some of them that rise to the top probably. So we will be looking at the confirmation process, but I was very pleased to hear about your response to Sherry when she called you so thank you.

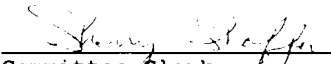
JUDY SCHWEIKART: Good, you're welcome.

SENATOR SCHIMEK: Okay, thank you very much.

JUDY SCHWEIKART: Thank you.

SENATOR SCHIMEK: Are there any who wish to testify in favor? Any who wish to testify in opposition? With that then, that will conclude the confirmation hearing on Judy Schweikart and will conclude the hearing for today. Thank you very much.


Chairperson


Committee Clerk